

CLOSED, RULE5

**U.S. District Court  
District of Minnesota (DMN)  
CRIMINAL DOCKET FOR CASE #: 0:09-mj-00464-FLN-4**

Case title: USA v. Ochenge et al

Date Filed: 11/17/2009

Date Terminated: 11/20/2009

Assigned to: Magistrate Judge Franklin  
L. Noel

**Defendant (4)**

**Albert E Gunga**

*TERMINATED: 11/20/2009*

represented by **Lyonel Norris**

Office of the Federal Defender  
300 4th St S Ste 107

Mpls, MN 55415

612-664-5858

Fax: 612-664-5850

Email: lyonel\_norris@fd.org

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: Public Defender or  
Community Defender Appointment*

A true printed copy in 3 sheet(s)  
of the electronic record filed on 11/30/09  
in the United States District Court  
for the District of Minnesota.

CERTIFIED, 11/30, 2009.

BY: RICHARD D. SLETTEN  
[Signature]  
Deputy Clerk

**Katherian D Roe**

Office of the Federal Defender  
300 S 4th St Ste 107

Mpls, MN 55415

612-664-5858

Fax: 612-664-5850

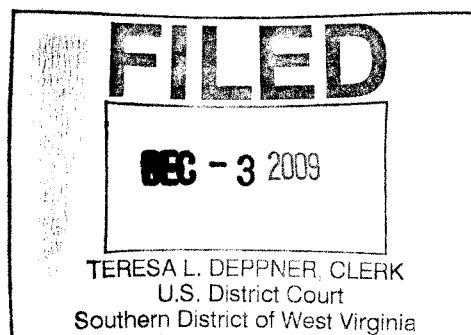
Email: katherian\_roe@fd.org

**TERMINATED: 11/18/2009**

*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None



**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1349.F

**Disposition****Plaintiff**

USA

represented by **David M Genrich**

United States Attorney's Office

300 S 4th St Ste 600

Mpls, MN 55415

612-664-5600

Fax: 612-664-5786

Email: david.genrich@usdoj.gov

*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/17/2009		Arrest (Rule 5) of Albert E Gunga (KNK) (Entered: 11/18/2009)
11/17/2009	<u>4</u>	Minute Entry for proceedings held before Magistrate Judge Franklin L. Noel: Initial Appearance in Rule 5(c) (3) Proceedings as to Albert E Gunga held on 11/17/2009; Counsel to be appt'd; Charges from another district: Southern District of West Virginia, Charleston; Temporary Detention Ordered; ( Detention Hearing and Removal Hearing set for 11/19/2009 01:30 PM in Courtroom 9W (MPLS) before Magistrate Judge Franklin L. Noel.) (KNK) (Entered: 11/18/2009)
11/17/2009	<u>5</u>	DOCUMENT FILED IN ERROR/TO BE REFILED - APPLICATION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM: Writ issued and delivered to the USM on 11/17/09; Name of Detainee Collins A. Masese. Signed by Magistrate Judge Franklin L. Noel on 11/17/09. (KNK) Modified text on 11/20/2009 (las). (Entered: 11/18/2009)
11/18/2009	<u>6</u>	ORDER OF TEMPORARY DETENTION as to Michael M Ochenge, Robert M Otiso, Paramena J Shikanda, Albert E Gunga. Signed by Magistrate Judge Franklin L. Noel on 11/18/09. (KNK) (Entered: 11/18/2009)
11/18/2009	<u>7</u>	NOTICE OF ATTORNEY APPEARANCE/SUBSTITUTION for Albert E Gunga (Norris, Lyonel) (Entered: 11/18/2009)
11/19/2009	<u>24</u>	Minute Entry for proceedings held before Magistrate Judge Franklin L. Noel: Removal and Detention Hearing as to Albert E Gunga held on 11/19/2009. Counsel present. Deft Ordered Detained - Govt to submit proposed order.

		Deft removed to charging district. Removal Order & Commitment to Another District to be Issued. Defendant reserves his right to a detention hearing in the Southern District of West Virginia. (Court Reporter Jim Trapskin) (las) (Entered: 11/23/2009)
11/19/2009	* 30	Sealed Document (KNK) (Entered: 11/23/2009)
11/19/2009	* 31	Sealed Document (KNK) (Entered: 11/23/2009)
11/19/2009	* 32	Sealed Document (KNK) (Entered: 11/23/2009)
11/19/2009	* 33	Sealed Document (KNK) (Entered: 11/23/2009)
11/19/2009	* 34	Sealed Document (KNK) (Entered: 11/23/2009)
11/19/2009	* 35	Sealed Document (KNK) (Entered: 11/23/2009)
11/20/2009	* <u>25</u>	COMMITMENT TO ANOTHER DISTRICT as to Albert E Gunga. Defendant committed to Southern District of West Virginia. Signed by Magistrate Judge Franklin L. Noel on 11/20/09. cc: USM. (las) (Entered: 11/23/2009)
11/20/2009	* <u>26</u>	ORDER OF REMOVAL to Southern District of West Virginia as to Albert E Gunga. Signed by Magistrate Judge Franklin L. Noel on 11/20/09. (las) (Entered: 11/23/2009)

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

MJ 09-464 FLN

Plaintiff,

v.

ORDER OF REMOVAL

Albert E. Gunga (04),

Defendant.

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David Genrich, ASSISTANT UNITED STATES ATTORNEY, for the plaintiff.

Lyonel Norris, ASSISTANT FEDERAL PUBLIC DEFENDER., for defendant.

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The above captioned case was before the undersigned United States Magistrate Judge for a removal hearing on November 19, 2009. Defendant waived the removal hearing.

Based on defendant's waiver, the court finds that the defendant is the same person named in the warrant filed in the Southern District of West Virginia, and he is ordered removed to that district for further proceedings.

DATED: November 20, 2009

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

A true printed copy in 1 sheet(s)  
of the electronic record filed on 11/20/09  
in the United States District Court  
for the District of Minnesota.  
CERTIFIED, 11/30, 2009.  
BY: RICHARD D. SLETTEN  
[Signature]  
Deputy Clerk

AO 94 (Rev. 8/97) Commitment to Another District

<h2 style="margin: 0;">UNITED STATES DISTRICT COURT</h2>			
District of		MINNESOTA	
UNITED STATES OF AMERICA <b>V.</b> Albert E. Gunga		<b>COMMITMENT TO ANOTHER DISTRICT</b>	
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest	District of Offense 2:09-00251	District of Arrest MJ 09-464 FLN	District of Offense
<b>CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN</b> <input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input type="checkbox"/> Other (specify) <b>charging a violation of</b> 18    U.S.C. § 1349, 1956(h), 1341, 1343, and 2			
<b>DISTRICT OF OFFENSE</b> Southern District of West Virginia			
<b>DESCRIPTION OF CHARGES:</b>  Conspiracy to commit Mail Fraud and Wire fraud, money laundering,			
<b>CURRENT BOND STATUS:</b>  <input type="checkbox"/> Bail fixed at _____ and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input checked="" type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify) _____			
<b>Representation:</b> <input type="checkbox"/> Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None			
<b>Interpreter Required?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes    Language: English			
<b>DISTRICT OF MINNESOTA</b>			
<b>TO: THE UNITED STATES MARSHAL</b>  You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.  <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="text-align: center;">November 20, 2009 Date</div><div style="text-align: center;">s/ Franklin L. Noel United States Judge or Magistrate Judge</div></div>			
<b>RETURN</b>			
<b>This commitment was received and executed as follows:</b>			
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	
DATE		DATE DEFENDANT COMMITTED	
UNITED STATES MARSHAL		(BY) DEPUTY MARSHAL	

A true printed copy of the electronic record filed on 11/20/09 in the United States District Court for the District of Minnesota.  
CERTIFIED, 11/30, 2009.  
BY: RICHARD D. SLETTEN  
*[Signature]*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Albert E. Gunga (04),

Defendant.

**COURT MINUTES - CRIMINAL**

BEFORE: Franklin L. Noel, 9W  
U.S. Magistrate Judge

Case No: MJ 09-464 FLN  
Date: November 19, 2009  
Court Reporter: Jim Trapskin  
Time Commenced: 1:39 p.m.  
Time Concluded: 1:42 p.m.  
Time in Court: 3 Minutes

**REMOVAL/DETENTION HRG**

Time in Court Rem/Det: 1/2

**APPEARANCES:**

Plaintiff: David Genrich, Assistant U.S. Attorney  
Defendant: Lyonel Norris ☒ FPD ☒ Appointed

On ☒ Indictment

☒ Charges from other District: Southern District of West Virginia, Charleston

☒ Deft Ordered Detained - Govt to submit proposed order

☒ Deft removed to charging district

☒ Removal Order to be Issued

☒ Commitment to Another District to be Issued

**Additional Information:**

Defendant reserves his right to a detention hearing in the Southern District of West Virginia.

s/Joan Flood  
Criminal Duty Clerk

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CERTIFIED, 1130, 2009.  
BY: RICHARD D. SLETTEN  
hdu Sam Dr  
Deputy Clerk

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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UNITED STATES OF AMERICA,

Plaintiff,

**NOTICE OF APPEARANCE**

v.

ALBERT E. GUNGA,

Defendant.

Case No: 09 MJ 464(4) (FLN)

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Pursuant to the Court's order appointing counsel, the undersigned attorney hereby notifies the Court and counsel that Lyonel Norris shall appear as appointed counsel of record for the above named defendant in this case.

Dated: November 18, 2009

*s/Lyonel Norris*

Lyonel Norris

Attorney ID No. 165888

Attorney for Defendant

Office of the Federal Defender

107 U.S. Courthouse

300 South Fourth Street

Minneapolis, MN 55415

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for the District of Minnesota.

CERTIFIED, 11/30, 2009.

BY: RICHARD D. SLETTEN  
[Signature]  
Deputy Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,  
Plaintiff,

Case No. MJ 09-464 FLN

v.

ORDER OF TEMPORARY DETENTION  
PENDING HEARING PURSUANT  
TO BAIL REFORM ACT

Michael M. Ochenge (01),  
Robert M. Otiso (02),  
Paramena J. Shikanda (03),  
Albert E. Gunga (04)  
Defendant.

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Upon motion of the United States it is ORDERED that a removal/detention hearing is set for November 19, 2009 at 1:30 p.m. before Magistrate Judge Franklin L. Noel, 9W US Courthouse, 300 South 4th Street, Minneapolis, Minnesota. Pending this hearing, the Defendant shall be held in custody by the United States Marshal and produced for the hearing.

Dated: November 18, 2009

s/Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

- 
- \* If not held immediately upon Defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the Defendant. 18 U.S.A. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the Defendant (a) will flee; or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injury, or intimidate a prospective witness or juror.

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for the District of Minnesota.

CERTIFIED, 11/30, 2009.

RICHARD D. SLETTEN  
BY: [Signature]  
Deputy Clerk



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

FIRST APPEARANCE

UNITED STATES OF AMERICA,	)	COURTROOM MINUTES - CRIMINAL
	)	BEFORE: Franklin L. Noel, 9W
Plaintiff,	)	U.S. Magistrate Judge
	)	
v.	)	Case No: MJ 09-464 FLN
	)	Date: November 17, 2009
Albert E. Gunga (04),	)	Time Commenced: 3:23 p.m.
	)	Time Concluded: 3:26 p.m.
Defendant.	)	Time in Court: 3 Minutes

APPEARANCES:

Plaintiff: David Genrich, Assistant U.S. Attorney

Defendant: Doug Olson, ☒ FPD ☒ Appointed

Date Charges Filed: November 10, 2009 Offense: Conspiracy to commit mail fraud and wire fraud  
18 U.S.C. § 1349

☒ Charges read into record ☒ Advised of Rights

on ☒ Indictment

Charges from another district: Southern District of West Virginia, Charleston

☒ Government moves for detention.

Motion is: ☒ granted, temporary detention ordered

Next appearance date is November 19, 2009 at 1:30 p.m. before U.S. Magistrate Judge Franklin L. Noel, 9W for:  
☒ detention hrg ☒ removal hrg

s/Joan Flood  
Criminal Duty Clerk

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for the District of Minnesota.  
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BY: RICHARD D. SLETTEN  
Richard D. Sletten  
Deputy Clerk